

AO 133 (Rev 8/06) Bill of Costs

DOCUMENT

## UNITED STATES DISTRICT COURT

ELECTRONICALLY FILED

Southern District of New York

10/16/2017

KENNETH CREIGHTON, Plaintiff

## BILL OF COSTS

V.

THE CITY OF NEW YORK, et al., Defendants

Case Number: 12-cv-07454-PGG-DCF

Judgment having been entered in the above entitled action on 2/15/2017 against Plaintiff, Kenneth Creighton,  
the Clerk is requested to tax the following as costs:

Fees of the Clerk .....	\$	
Fees for service of summons and subpoena .....		
<i>Agree with Objections Convenience of Counsel</i>		
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case .....		709.13
Fees and disbursements for printing .....		
Fees for witnesses (itemize on page two) .....		0.00
<i>See Receipt allowed 1 copy for service</i>		
Fees for exemplification and copies of papers necessarily obtained for use in the case .....		74.25 239.52
Docket fees under 28 U.S.C. 1923 .....		20.00
Costs as shown on Mandate of Court of Appeals .....		
Compensation of court-appointed experts .....		
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 .....		
Other costs (please itemize) .....		
Deposition Transcripts		2,166.35 3,308.70
<i>DONE ON SUBMISSION, OBJECTIONS FILED</i>		
<i>AND TAKEN INTO CONSIDERATION</i>		
TOTAL	\$	4,277.35
SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.		2,780.60

## DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- ☒ Electronic service by e-mail as set forth below and/or.  
☐ Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney:

K. Thadani

Name of Attorney:

For: The City of New York, Detective Dean Roberts (Shield No. 05861), et al.

Date: 9/29/2017

Name of Claiming Party

Costs are taxed in the amount of

2,780.60

and included in the judgment.

Clerk of Court

By:

Deputy Clerk

Date

10/16/2017

**WITNESS FEES** (computation, cf. 28 U.S.C. 1821 for statutory fees)

## NOTICE

"Sec. 1924. Verification of bill of costs."

**See also Section 1920 of Title 28, which reads in part as follows:**

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

## Rule 54 (d)

Rule 6(e)

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

KENNETH CREIGHTON,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE DEAN ROBERTS (Shield No. 05861), DETECTIVE GLENN GODINO (Shield No. 2756), POLICE OFFICERS JOHN DOES 1-10 (names being fictitious and presently unknown and intended to be employees of the NYPD who were involved in Plaintiff's arrest, detention, imprisonment, and/or prosecution), DISTRICT ATTORNEY ROBERT T. JOHNSON, ASSISTANT DISTRICT ATTORNEY BRUCE BIRNS A/K/A BURNS, ASSISTANT DISTRICT ATTORNEY ED TALTY a/k/a ED TULTY and ASSISTANT DISTRICT ATTORNEY MICHAEL COOPER,

Defendants.

----- X

**DECLARATION IN  
SUPPORT OF  
DEFENDANTS'  
APPLICATION FOR  
COSTS AGAINST  
PLAINTIFF**

12-cv-07454-PGG-DCF

**KAVIN THADANI**, declares pursuant to 28 U.S.C. §1746 and under penalty of perjury that:

1. I am a Senior Counsel in the Office of the Corporation Counsel of the City of New York, and counsel for defendants, City of New York ("City"), Detective Dean Roberts ("Roberts"), Detective Glenn Godino ("Godino"), District Attorney Robert T. Johnson ("Johnson"), and Assistant District Attorney Bruce Birns ("Birms") (hereinafter collectively referred to as "defendants") in this action. As such, I am familiar with the facts and circumstances set forth herein.

2. I submit this Declaration in support of defendants' Bill of Costs and application for an award of costs against plaintiff, Kenneth Creighton, in this action.

3. On October 4, 2012, defendants removed the instant action that plaintiff initially filed in Supreme Court, Bronx, New York to the United States District Court for the Southern District of New York ("the Court") located at 500 Pearl Street, New York, New York 10007. Thereafter, on or about August 21, 2013, plaintiff filed an amended complaint, wherein plaintiff alleged numerous claims of constitutional rights violations pursuant to 42 U.S.C. § 1983 ("Section 1983") and under New York State law in connection with his arrest on January 10, 2007 for two shootings that took place on December 26, 2006 in Bronx, New York, and in connection with his pre-trial detention that commenced with his arrest and terminated in early 2012.

4. Following a conference held on December 10, 2015 in which the Court expressed concern as to the viability of a number of plaintiff's claims, defendants filed a joint letter on behalf of the parties on December 23, 2015 identifying the claims that plaintiff consented to withdraw from this action.

5. Following a court conference held on May 19, 2016, and in response to a subsequent Court Order dated May 20, 2016, plaintiff filed a letter on May 26, 2016 indicating his intention to proceed in this matter with the following remaining claims: 1) false arrest under New York State law; (2) malicious prosecution under New York State law and under Section 1983; (3) denial of procedural and substantive due process pursuant to Section 1983; (4) unreasonably prolonged detention under Section 1983; (5) abuse of process pursuant to Section 1983; (6) conspiracy under Section 1983; and (7) failure to intervene under Section 1983.

6. On or about July 27, 2016, defendants filed a Motion for Summary Judgment on all of plaintiff's remaining claims. On this same date, plaintiff filed a Motion for Partial

Summary Judgment and a Motion for Sanctions Pursuant to Federal Rules of Civil Procedure 37 for alleged spoliation of evidence by defendants (“Plaintiff’s Motion for Sanctions/Spoliation”).

7. On or about July 26, 2016, defendants filed their Reply Memorandum of Law in Support of their Motion for Summary Judgment, as well as their Opposition to Plaintiff’s Motion for Partial Summary Judgment. Thereafter, on August 8, 2016, defendants filed their Opposition to Plaintiff’s Motion for Sanctions/Spoliation.

8. The Court, in its Memorandum Opinion & Order dated February 14, 2017, granted defendants’ Motion for Summary Judgment in its entirety and denied both plaintiff’s Motion for Partial Summary Judgment and plaintiff’s Motion for Sanctions/Spoliation.

9. On February 15, 2017, the Clerk of the Court executed and entered Judgment, a copy of which is annexed hereto as **Exhibit “A”**.

10. Thereafter, on or about March 16, 2017, plaintiff filed a Notice of Appeal in the United States Court of Appeals for the Second Circuit as to the Judgment entered by the Clerk of the Court for the United States District Court for the Southern District (Gardephe, U.S.D.J).

11. On July 14, 2017, the United States Court of Appeals for the Second Circuit dismissed plaintiff’s appeal and deemed the appeal in default after plaintiff-appellant had failed to file the requisite Appellant’s Form D-P by July 11, 2017, thereby affirming the Judgment of the United States District Court for the Southern District of New York. A copy of the Mandate, issued by the United States Court of Appeals for the Second Circuit to the Court, was entered by the Court on August 30, 2017, and is attached hereto as **Exhibit “B”**.

12. As the prevailing party, defendants now seek an award of costs as the prevailing party in accordance with Rule 54(d) (1) of the Federal Rules of Civil Procedure and Rule 54.1 of the Local Civil Rules of the Southern District of New York for the following items.



13. Defendants submit a Bill of Costs dated September 29, 2017 for a total of \$4,277.35 attached hereto as **Exhibit “C”**. The costs claimed are correctly stated, are allowable by law, and were necessarily incurred as stated herein.

I. **Costs for Transcripts under Local Rule 54.1(c) (1).**

14. On June 19, 2013, defendants incurred costs in the amount of \$7.50 for the transcript of the plaintiff's underlying criminal court proceedings held on May 23, 2011 at the Bronx County Supreme Court, Criminal Term, that was necessarily obtained during discovery and was used in the preparation of, including, but not limited to, as well as submitted to the Court as exhibits to, the defendants' successful Motion for Summary Judgment, Reply Memorandum of Law in Support of their Motion for Summary Judgment, their Opposition to Plaintiff's Motion for Partial Summary Judgment, and/or their Opposition to Plaintiff's Motion for Sanctions/Spoliation.

15. On June 26, 2016, defendants incurred costs in the amount of \$17.50 for the transcript of the plaintiff's underlying criminal court proceedings held on January 19, 2012 at the Bronx County Supreme Court, Criminal Term, that was necessarily obtained during discovery and was used in the preparation of, including, but not limited to, as well as submitted to the Court as exhibits to, the defendants' successful Motion for Summary Judgment, Reply Memorandum of Law in Support of their Motion for Summary Judgment, their Opposition to Plaintiff's Motion for Partial Summary Judgment, and/or their Opposition to Plaintiff's Motion for Sanctions/Spoliation.

16. On July 19, 2016, defendants incurred costs in the amount of \$17.50 for the transcript of the plaintiffs' underlying criminal court proceedings held on December 13, 2007 at the Bronx County Supreme Court, Criminal Term, that was necessarily obtained during

discovery and was used in the preparation of, including, but not limited to, as well as submitted to the Court as exhibits to, the defendants' successful Motion for Summary Judgment, Reply Memorandum of Law in Support of their Motion for Summary Judgment, their Opposition to Plaintiff's Motion for Partial Summary Judgment, and/or their Opposition to Plaintiff's Motion for Sanctions/Spoliation.

17. On December 22, 2015, defendants incurred a partial share of costs in the amount of \$106.56 for the transcript of the proceedings of a status conference held before the Honorable Paul G. Gardephe (U.S.D.J) on December 10, 2015, which was split by the parties, and that was necessarily obtained for use in the preparation of, including, but not limited to, as well as submitted to the Court as exhibits to, the defendants' successful Motion for Summary Judgment, Reply Memorandum of Law in Support of their Motion for Summary Judgment, their Opposition to Plaintiff's Motion for Partial Summary Judgment, and/or their Opposition to Plaintiff's Motion for Sanctions/Spoliation.

18. On June 9, 2016, defendants incurred costs in the amount of \$143.52 for the transcript of the proceedings of a status conference held before Judge Gardephe on May 19, 2016, that was necessarily obtained for use in the preparation of, including, but not limited to, as well as submitted to the Court as exhibits to, the defendants' successful Motion for Summary Judgment, Reply Memorandum of Law in Support of their Motion for Summary Judgment, their Opposition to Plaintiff's Motion for Partial Summary Judgment, and/or their Opposition to Plaintiff's Motion for Sanctions/Spoliation.

19. On May 22, 2012, defendants' incurred costs in the amount of \$416.55 for the transcript of plaintiff's 50-H Hearing, that was necessarily obtained for use in the preparation of, including, but not limited to, as well as submitted to the Court as exhibits to, the defendants'

successful Motion for Summary Judgment, Reply Memorandum of Law in Support of their Motion for Summary Judgment, their Opposition to Plaintiff's Motion for Partial Summary Judgment, and/or their Opposition to Plaintiff's Motion for Sanctions/Spoliation.

20. Therefore, as the prevailing party, pursuant to Local Rule 54.1(c) (1), defendants are entitled to the costs for these necessary transcripts. A true copy of each of the invoices received from the respective court reporters, together totaling \$709.13, is annexed hereto as **Exhibit "D"**.

**II. Costs for Depositions under Local Rule 54.1(c) (2).**

21. On June 3, 2015, defendants incurred costs totaling \$510.00 for the deposition transcripts of non-party witnesses, Kijafa Spruell and Fawaz Terab, that were necessarily obtained during discovery, and excerpts of which were used in the preparation of, as well as submitted to the Court as exhibits to, the defendants' successful Motion for Summary Judgment, Reply Memorandum of Law in Support of their Motion for Summary Judgment, their Opposition to Plaintiff's Motion for Partial Summary Judgment, and/or their Opposition to Plaintiff's Motion for Sanctions/Spoliation.

22. On May 4, 2016, defendants incurred costs totaling \$662.00 for the deposition transcript of the non-party witness, Michael Raskin, that was necessarily obtained during discovery, and excerpts of which were used in the preparation of, as well as submitted to the Court as exhibits to, the defendants' successful Motion for Summary Judgment, Reply Memorandum of Law in Support of their Motion for Summary Judgment, their Opposition to Plaintiff's Motion for Partial Summary Judgment, and/or their Opposition to Plaintiff's Motion for Sanctions/Spoliation.



23. On May 5, 2016 and on May 25, 2016, defendants incurred costs totaling \$717.00 for the video deposition and transcript of a Confidential Informant, that were necessarily obtained during discovery, and excerpts of which were used in the preparation of, as well as submitted to the Court as exhibits to, the defendants' successful Motion for Summary Judgment, Reply Memorandum of Law in Support of their Motion for Summary Judgment, their Opposition to Plaintiff's Motion for Partial Summary Judgment, and/or their Opposition to Plaintiff's Motion for Sanctions/Spoliation.

24. On May 26, 2016, defendants incurred costs totaling \$106.50 for the deposition transcript of non-party witness, Paul LaDuca, that was necessarily obtained during discovery, and excerpts of which were used in the preparation of, as well as submitted to the Court as exhibits to, the defendants' successful Motion for Summary Judgment, Reply Memorandum of Law in Support of their Motion for Summary Judgment, their Opposition to Plaintiff's Motion for Partial Summary Judgment, and/or their Opposition to Plaintiff's Motion for Sanctions/Spoliation.

25. On April 28, 2016 and on May 27, 2016, defendants incurred costs totaling \$1,313.20 for the deposition and continuing deposition transcripts of the plaintiff, Kenneth Creighton, that were necessarily obtained during discovery, and excerpts of which were used in the preparation of, as well as submitted to the Court as exhibits to, the defendants' successful Motion for Summary Judgment, Reply Memorandum of Law in Support of their Motion for Summary Judgment, their Opposition to Plaintiff's Motion for Partial Summary Judgment, and/or their Opposition to Plaintiff's Motion for Sanctions/Spoliation.

26. Therefore, as the prevailing party, pursuant to Local Rule 54.1(c) (2), defendants are entitled to the costs for these deposition transcripts. A true copy of each of the invoices

received from the respective court stenographers, Diamond Reporting, Inc. and Bee Reporting Agency, Inc., together totaling \$3,308.70, is annexed hereto as **Exhibit “E”**.

27. Notably, the invoices from Diamond Reporting, Inc., the court stenographer for the plaintiff’s depositions, indicated that an original and two copies of the deposition transcripts were provided.

28. The Agency Chief Contracting Officer (“ACCO”) of the New York City Law Department has confirmed that, pursuant to a contract then in effect between Diamond Reporting, Inc. (“Diamond”) and the New York City Law Department, an original and two copies of a transcript are provided when this office requests a deposition to be recorded by stenographic means.

29. This office’s contract with Diamond prior to April 15, 2015 provided for a unit cost of \$3.65 per page (the “unit cost”) and this office’s contract with Diamond beginning April 15, 2015 provided for a unit cost of \$3.60 per page. This per page unit cost of the transcript included the requirement that Diamond furnish two copies of the transcript. A copy of a letter from Diamond Reporting, Inc. to this office dated February 23, 2011 representing this office’s contract prior to April 15, 2015, and a copy of a letter from Diamond Reporting, Inc. to this office dated December 23, 2016 representing this office’s contract beginning April 15, 2015, and reflecting the costs of its services provided through this office’s contracts, are annexed hereto as **Exhibit “F”**.

30. Had defendants only requested an original and one copy, defendants would have paid the same contractual unit cost per page. Therefore, the second copy of the transcripts was not obtained at an additional cost.

31. Nonetheless, to the extent that the Court determines that some reduction in the cost of the transcripts is appropriate, the proper rate for duplication of the second copy of the transcript is \$.10 per page for depositions held prior to April 15, 2015 and \$.12 per page for depositions held after April 15, 2015, as referenced in the aforementioned letters to this office from Diamond.

**III. Costs for Exemplification and Copies of Papers under Local Rule 54.1(c) (5).**

32. Defendants also submit a bill for the costs of duplicating three copies each of their successful Motion for Summary Judgment filed and served with the Court on June 27, 2016; three copies of their Reply Memorandum of Law in Support of their Motion for Summary Judgment, along with three copies of their Opposition to Plaintiff's Motion for Partial Summary Judgment, both filed and served with the Court on July 26, 2016; and three copies of their Opposition to Plaintiff's Motion for Sanctions/Spoliation, filed and served with the Court on August 8, 2016; which taken together, were fully granted by the Court pursuant to its Memorandum Opinion & Order dated February 14, 2017.

33. As the prevailing party, pursuant to Local Rule 54.1(c) (5), defendants are entitled to these costs in the amount of \$239.52. A true copy of each of the invoice from The New York City Law Department's Copy Center is annexed hereto as **Exhibit "G"**.

**IV. Costs Under 28 U.S.C. §1923.**

34. Further, defendants are entitled to an additional \$20.00 pursuant to 28 U.S.C. §1923.

35. Thus, the total costs incurred by the defendants pursuant to Local Rule 54.1 in the defense of this action are \$4,277.35.

**WHEREFORE**, it is respectfully requested that the Clerk issue an Order granting the defendants costs in the amount of \$4,277.35.

Dated: New York, New York  
September 29, 2017



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Kavim Thadani  
*Senior Counsel*  
*Special Federal Litigation Division*

cc: VIA ECF  
Michael Eliot Jaffe  
Pazer & Epstein, P.C.  
20 Vesey Street, #700  
New York, NY 10007  
Email: [mjaffe@pazerandepstein.com](mailto:mjaffe@pazerandepstein.com)

Richard A. Gross  
Rubert & Gross, P.C.  
150 Broadway, Suite 712  
New York, NY 10038  
Tel.: (212) 608-3103  
Fax: (212) 608-1316  
Email: [richardgrosscourt@yahoo.com](mailto:richardgrosscourt@yahoo.com)  
*Attorneys for Plaintiff*

## **EXHIBIT A**



Case 1:12-cv-07454-PGG-DCF Document 249 Filed 02/15/17 Page 1 of 2

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/15/17

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
KENNETH CREIGHTON,

Plaintiff,

12 CIVIL 7454 (PGG)

-against-

**JUDGMENT**

THE CITY OF NEW YORK, DETECTIVE DEAN  
ROBERTS (Shield No. 05861), DETECTIVE  
GLENN GODINO (Shield No. 2756), ASSISTANT  
DISTRICT ATTORNEY BRUCE BIRNS,  
ASSISTANT DISTRICT ATTORNEY ED TALTY  
a/k/a ED TUTILY, and ASSISTANT DISTRICT  
ATTORNEY MICHAEL COOPER,  
Defendants.

-----X

Defendants having moved for summary judgment on all of Plaintiff's remaining claims, and Plaintiff having moved for summary judgment on his claims for (1) false arrest under New York law as against all Defendants other than Michael Cooper; (2) malicious prosecution under New York law as against the City and Defendants Glenn Godino and Dean Roberts; (3) malicious prosecution under Section 1983 as against Defendants Godino and Roberts; and (4) deprivation of his Due Process rights under Section 1983 as against Defendant Godino; and Plaintiff having also moved for sanctions pursuant to Federal Rule of Civil Procedure 37 based on Defendants' alleged spoliation of evidence, and the matter having come before the Honorable Paul Gardephe, United States District Judge, and the Court, on February 14, 2017, having rendered its Memorandum Opinion & Order granting Defendants' motion for summary judgment (Dkt. No. 164); and denying Plaintiff's motions for sanctions and for partial summary judgment (Dkt. Nos. 172, 173) and directing the Clerk of Court to close this case, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the

Case 1:12-cv-07454-PGG-DCF Document 249 Filed 02/15/17 Page 2 of 2

Court's Memorandum Opinion & Order dated February 14, 2017, Defendants' motion for summary judgment is granted. Plaintiff's motions for sanctions and for partial summary judgment are denied; accordingly, the case is closed.

**Dated:** New York, New York  
February 15, 2017

**RUBY J. KRAJICK**

**Clerk of Court**

**BY:**

*Kmango*

**Deputy Clerk**

## **EXHIBIT B**

MANDATE

Case 1:12-cv-07454-PGG-DCF Document 254 Filed 10/16/17 Page 1 of 1

for the  
SECOND CIRCUITN.Y.S.D. Case #  
12-cv-7454(PGG)

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14<sup>th</sup> day of July, two thousand and seventeen,

Kenneth Creighton,

Plaintiff - Appellant,

v.

City of New York, Detective Dean Roberts, Shield No. 05861,  
Detective Glenn Godino, Shield No. 2756, Assistant District  
Attorney Bruce Birns, Assistant District Attorney Ed Talty, AKA  
Ed Talty,

Defendants - Appellees,

P.O. John Doe #1, P.O. John Doe #2, P.O. John Doe #3,  
Detective John Doe #1, Detective John Doe #2, Detective John  
Doe #3 (all John Does defendants being fictitious names to denote  
Unidentified officers and detectives involved herein), District  
Attorney Robert T. Johnson, Assistant District Attorney Michael  
Cooper, Police Officers John Does 1-10, (names being fictitious  
and presently unknown and intended to be employees of the  
NYPD who were involved in Plaintiff's arrest, detention,  
imprisonment, and/or prosecution),

Defendants.

**ORDER**

Docket Number: 17-754

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: August 30, 2017**

A notice of appeal was filed on March 16, 2017. Appellant's Form D-P was due July 11, 2017. The case is deemed in default.

IT IS HEREBY ORDERED that the appeal will be dismissed effective August 4, 2017 if the form is not filed by that date.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit



For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court


MANDATE ISSUED ON 08/30/2017

## **EXHIBIT C**



## **EXHIBIT D**

VOUCHERED

DATE: 7/15/13

Fax: 212-788-9776

Jun 19 2013 03:13pm P001/002

INV. AMT. PAID: \$

7.50

V# 201-00000665

INV. #

14-Creighton-Corbin

MICHAEL A. CORBIN

SVS PERIOD 7/6/13 TO 8/13

TO 8/13

The City of New York

LAW DEPARTMENT

100 CHURCH STREET  
NEW YORK, N.Y. 10007

SANDRA LONGSHORE

212-341-2632

Fax: 212-788-9776

slongsho@nyc.gov

AG 025

B/C 0201

DET. OBJ. 6220

REF. DOC.

TRANSCRIPT ORDER and Bill

APPROVED

By Sandra Longshore at 9:28 am, Jul 12, 2013

Supreme Court of the State of New York

County of Bronx

265 East 161st Street

Bronx, NY 10451

Re: Kenneth Creighton v. City of New York, et al.

PRIOR APPROVAL IS REQUIRED FOR EXPEDITED/OVERNIGHT TRANSCRIPT

DATE OF ORDER: June 19, 2013

DATE REQUIRED July 3, 2013

DOCKET/INDICTMENT NO.: 00639-2007

[X] Regular (10 Days-2 Weeks)

DATE(S): May 23, 2011

\$2.50 per page

PART: 80

[ ] Expedited (Five Working Days)

JUDGE: Oliver, E

\$3.15 per page

[ ] Daily (Overnight)

\$3.75 per page

REQUESTED BY: Sandra Longshore

Paralegal

Telephone: 212-341-2632 Room: 3-142a

## REPORTER'S BILL FOR TRANSCRIPTION OF MINUTES

(To be completed by Reporter Only)

Reporter's Name: Xionara Carias-Mier

Social Security Number: 056-56-1206

(Necessary for payment)

61 Laneview Drive, Unit 55 Hamburg NJ 07411

Forward check to this address

3 pages at \$ 2.50 per page \$ 7.50

I HEREBY CERTIFY that the claim specified herein is for articles received, services rendered, or amounts expended for the City of New York, as to prices and amounts that it was necessary for the proper transaction of the business of the Department, and that it was incurred solely for the benefit of the City of New York.

Transcript received on

7.8.13

by

S. J. Lee

Case Number

B D  
Conferenced  
S. J.  
Amador

2012-006428 0001/001

RECEIVED

6 22 16

17:50

2016 0006464

16-Creighton

MICHAEL A. CAPRIGLIO  
Department Clerk

6/20/16 TO 6/20/16

The City of New York  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

SANDRA LONGSHORE  
212-341-2632  
Fax: 212-723-5776  
slongsho@law.nyc.gov

025 B/C 000 DET. OBJ. 6220  
TRANSCRIPT ORDER and BILLING FORM

REF. DOC.

Supreme Court of the State of New York  
County of Bronx  
265 East 161st Street  
Bronx, NY 10451  
Attn: Vanessa James (Fax# 917-522-8620)

Re: People v. Dior Creighton

PRIOR APPROVAL IS REQUIRED FOR EXPEDITED/OVERNIGHT TRANSCRIPT

DATE OF ORDER: May 10, 2016  
DOCKET/INDICTMENT NO.: 0626-2007  
DATE(S): January 19, 2012  
PART: 80  
JUDGE: Alvarado

DATE REQUIRED  
☒ Regular (10 Days-2 Weeks)  
\$2.50 per page  
☐ Expedited (Five Working Days)  
\$3.15 per page  
☐ Daily (Overnight)  
\$3.75 per page

JUN 21 9:55 AM '16

REQUESTED BY: Sandra Longshore  
Paralegal

Telephone: 212-341-2632 Room: 3-142a

REPORTER'S BILL FOR TRANSCRIPTION OF MINUTES  
(To be completed by Reporter Only)

Reporter's Name: Vanessa James  
Social Security Number: 58C 19-8746 (Necessary for payment)

75 Knox Highway, Unit 5, New Rochelle, New York 10801  
Forward mail to this address

7 pages at \$ 2.50 per page = \$ 17.50

I HEREBY CERTIFY that the chain of custody for the transcript has been maintained and that the transcript is a true and accurate representation of the proceedings.

Transcript received on 6/20/16 by S. Longshore

Case Number 2012-006428 DATE 6/20/16

Handwritten signature: *Commissioner*

VOUCHERED  
DATE: 7/19/16  
INV AMT \$ 17.50  
#20170000202  
K. Greighton, Kenneth  
7/1/16 107/11/16  
AG 025 000  
0000971583  
2012-006428  
The City of New York  
COURT DEPARTMENT  
100 CHURCH STREET  
NEW YORK, N.Y. 10007  
F-17  
SANDRA P. LANGSHORE  
712-312-6647  
Fax: 712-312-6776  
spla@nyc.gov

REL. DOC. TRANSCRIPT ORDER and BILLING FORM (Revised 2007)  
Supreme Court of the State of New York  
County of Bronx  
701 East 161st Street  
Bronx, NY 10451  
Attn: Plushota (for Judy Plushota)  
R. Kenneth Greighton v. City of New York, et al.  
PRIOR APPROVAL IS REQUIRED FOR EXPEDITED/OVERNIGHT TRANSCRIPT  
DATE OF ORDER: July 1, 2016  
DOCKET/INDICTMENT NO.: 00639-2007  
DATE(S): 12/15/2007  
PAGE: 40  
JUDGE: Weisner  
DATE REQUIRED: July 15, 2016  
[X] Regular (10 Days-2 Weeks)  
\$2.50 per page  
[ ] Expedited (Five Working Days)  
\$3.15 per page  
[ ] Daily (Overnight)  
\$3.75 per page

APPROVED  
By Sandra P. Langshore on 07/14/2016  
S. Langshore 7/14/16  
APPROVED BY: Sandra Langshore  
Paralegal  
Telephone: 712-312-6632 Fax: 712-312-6776

REPORTER'S BILL FOR TRANSCRIPTION OF MINUTES  
(To be completed by Reporter Only)

Reporter's Name: Plushota, CHRISTINE  
Social Security Number: 150-74-6170 (Necessary for payment)  
265 E. 161st St, RM 264, Bronx, NY 10451  
forward check to this address  
7 pages at \$ 2.50 per page = \$ 17.50

I HEREBY CERTIFY that the herein specified herein is for minutes received, services rendered, or amounts expended for the City of New York and it is stated as to prices and amount, that it was necessary for the proper conduct of the business of the Department, and that it was incurred solely for the benefit of the City of New York.  
The invoice is issued on \_\_\_\_\_ by \_\_\_\_\_  
City of New York

2016 JUL 19 AM 10:35  
RECEIVED  
FISCAL UNIT  
NYC LAW DEPT.  
2016 JUL 18 PM 12:01  
RECEIVED  
FISCAL UNIT  
NYC LAW DEPT.

80  
Completed  
8/2  
Weisner

**VOUCHERED**  
**DATE:** 12/22/15  
 INV AMT. PAID: \$ 53.28  
 #20160003117  
 INV. # 16 - Creighton  
 SVS. PERIOD 12/10/15 TO 12/10/15  
 AG. 005 : B/C 000 : DET. OBJ. 6220  
 REF. DOC. \_\_\_\_\_

RECEIVED  
 FISCAL UNIT  
 NYC LAW DEPT.  
 2015 DEC 21 PM 03 18

1

SALESPERSON

Pazer Epstein & Jaffe  
 20 Vesey Street  
 Suite 700  
 New York, NY 10007  
 Attention: Michael Jaffe

\*PAYMENT IS

JOB DATE CREIGHTON V NYC  
 CASE NO. 7 12CV07454

12/10-2015 Original

16.00 Pages at

2015 DEC 21 PM 03 18

*Convenience of Counsel*

Southern District of New York  
 500 Vesey Street, 7th Floor  
 New York, NY 10007  
 212 486-1000

Set No. 002

Sale

XXXXXXXXXXXX9009  
 HEX  
 12/15/15  
 Inv. #: 000015  
 Appr'd: Online  
 Appr. Code: Z  
 V-Code: Y  
 Entry Method: Manual  
 13-05-49  
 Appr. Code: 224924  
 Batch#: 000007  
 Total: \$ 105.56

Customer Copy  
 TheBox, NYC

Les



## Invoice

FF

SOUTHERN DISTRICT REPORTERS PC  
Tax ID No. 13-2775946

500 Pearl St.  
Room 330  
New York, NY 10007  
Tel No. (212) 805-0300

New York City Law Department  
100 Church Street  
Fiscal Section (VILJYA)  
New York, NY 10007  
Attention: Kevin Thadani

INVOICE NO.: 0469058-IN  
INVOICE DATE: 05/26/16

CUSTOMER NO.: 0000005  
WORK ORDER NO.: 168146  
SALESPERSON: CSIW

2012-006428

74-16

\*PAYMENT IS DUE UPON RECEIPT\*

JOB DATE CREIGHTON V NYC  
CASE NO. 12CV07454

5/19/2016 Original 46.00 Pages at \$3.12 143.52

I HEREBY CERTIFY: That this claim specified herein is for articles received, services rendered, or amounts expended for the City of New York, that it is correct as to prices and amounts, and that it was necessary for the proper transaction of the business of the Department and that it was incurred solely for the benefit of the City of New York.

*Kevin Thadani* *6/16/16*  
NYC LAW STAFF DATE

VOUCHERED  
DATE: 6/9/16

INV. AMT. PAID: \$ 143.52

V# 2016 000 6160

INV. # 16-0469058 IN

SVS. PERIOD 5/19/16 TO 5/19/16

AG 005 B/C 0007 DET. OBJ. 6220

REF. DOC. / /

Net Invoice:	143.52
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	143.52

WE ACCEPT VISA, MASTERCARD, AMERICAN EXPRESS AND DISCOVER  
CARDS

2016 JUN -7 PM 12:11

2016 JUN -7 PM 12:11  
2016 JUN -7 PM 12:11

80  
Concurrence  
6-8  
Gause 2



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F/R

NEW YORK CITY LAW DEPARTMENT  
PIN # 02507X100A17  
100 CHURCH STREET, FISCAL SECTION-ROOM 5-121  
NEW YORK, NY 10007  
LORI MANNING, ESQ.

INVOICE NO.: 12052211701  
INVOICE DATE: 6/1/2012

REPORTER:  
KIYOKO PANZELLA

CREIGHTON, KENNETH VS CITY OF NEW YORK, DET. DEAN  
ROBERTS, DET. GLENN GODINO, ETAL  
FILE NO: 2012-006428 - 5 L

TAX ID #: 11-266-5545

BILLER ID: SS

DATE	DESCRIPTION	AMOUNT
5/22/2012	50-H HEARING IN THE ABOVE-ENTITLED MATTER KENNETH CREIGHTON 96PP+11PGS OF W.I. ORIGINAL & 2 COPIES - YOUR CHARGE APPEARANCE (AM) YOUR CHARGE CONTROL #: CCC04311	\$365 390.55 26.00 107.70 = 107.70

SUB TOTAL \$416.55

PAID \$0.00

BALANCE DUE \$416.55

I HEREBY CERTIFY: That the claim specified herein is for services received, services rendered or amounts expended for the City of New York, that it is correct as to prices and amounts and that it was necessary for the proper transaction of the business of the City of New York and that it was incurred solely for the City of New York.

Accounting Corporation Counsel

Date

VOUCHERED  
DATE: 06/15/12  
416.55

12-7463  
12052211701

05/22/12

05/22/12

05/22/12

05/22/12

05/22/12

\*\* PLEASE NOTE PAYMENT TERMS ARE NET 30 DAYS \*\*  
WE ACCEPT AMERICAN EXPRESS, VISA AND MASTERCARD  
PLEASE NOTE INVOICE NUMBER ON YOUR PAYMENT. THANK YOU

PLEASE RETURN THIS COPY WITH PAYMENT

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Exp. Date:

Name on Card:

Security Code:

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Manhattan, Brooklyn, Bronx,  
Queens, Staten Island,  
Melville, Mineola, White Plains  
New Jersey Offices:  
Englewood Cliffs, Marlton

\$ 353.85

## **EXHIBIT E**

0000613538 1

BEE REPORTING AGENCY, INC.  
55 MAPLE AVENUE, SUITE 204  
ROCKVILLE CENTRE, NEW YORK 11570  
212-327-3500 516-485-2222  
11-3293315

www.bereporting.com e-mail: bcereport@aol.com

STEVEN SILVERBERG, ESQ.  
ZACHARY W. CANTER, ESQ.  
NEW YORK CITY LAW DEPT.  
100 CHURCH STREET  
NEW YORK, NY 10007-2401

June 10, 2015

Invoice# 15-3527A

Balance: \$510.00

Re: UNREIGNON VS CITY OF NEW YORK, ET AL  
on 06/03/15 (Filed 06/10/15)  
by JONAS MYSTAKOWSKI

Charge Description  
COPY YOUR SHARE KIJAPA SPROZIL 155 PAGES  
PAWAZ TERAR 137 PAGES  
DOUBLE APPEARANCE FEE  
POSTAGE & HANDLING

I HEREBY CERTIFY: That this claim specified (herein is for articles) received, services rendered, or amounts expended for the City of New York, that it is correct as to prices and amounts, and that it was necessary for the proper transaction of the business of the department and that it was incurred solely for the benefit of the City of New York.

NYC LAM STAFF

DATE

Amount  
438.00  
60.00  
12.00

232.50 = 205.50

VOUCHERED

DATE: 6/25/15

Please Remit Total Due: \$510.00

Via MasterCard American Express

2050007468

Cardholder Name: JONAS MYSTAKOWSKI

Exp. Date: 6/3/15 to 6/3/15

AG 045 BIC 0007 DET OBJ 6220

Signature  
Kil Dan

PAVE POSTAGE OUR FAX NUMBER IS 516-594-2424

205.50



F416

NEW YORK CITY LAW DEPARTMENT  
PIN # 02507X100A17  
100 CHURCH STREET, FISCAL SECTION-ROOM 5-121  
NEW YORK, NY 10007

KAVIN THAOANI, ESQ.

CREIGHTON, KENNETH VS CITY OF NEW YORK, DET. DEAN  
ROBERTS, DET. GLENN GODINO, ETAL  
INDEX NO: 12-CV-7454

LAW MANAGER NO: 2012-006428  
CONTROL NO: 161497

INVOICE NO.: 16050413501

INVOICE DATE: 5/19/2016

REPORTER:  
TONIANN COCCA

TAX ID #: 11-266-5545

BILLER ID: RT

2016 MAY 24 PM 4:38

DATE	DESCRIPTION
5/4/2016	DEPOSITION OF A NON-PARTY WITNESS, MICHAEL RASKIN 150PP+20PGS W.I. ORIGINAL & 2 COPIES - YOUR CHARGE APPEARANCE (AM & PM) YOUR CHARGE

AMOUNT

512.00  
50.00

CONTROL #161497

I HEREBY CERTIFY: That this claim specified herein  
is for the article(s) received, services rendered, or  
amounts expended for the City of New York that it is  
correct as to prices and amounts, and that it was  
necessary for the proper transaction of the business of  
the department and that it was incurred solely for the  
benefit of the City of New York.

*K. Thaoani*  
NYC LAW STAFF

5/24/16  
DATE

SUB TOTAL \$662.00  
PAID \$0.00  
BALANCE DUE \$662.00

"PLEASE NOTE PAYMENT TERMS ARE NET 30 DAYS"  
WE ACCEPT ALL MAJOR CREDIT CARDS  
WE ACCEPT WIRE TRANSFER - PLEASE CONTACT OUR OFFICE FOR DETAILS  
PLEASE NOTE INVOICE NUMBER ON YOUR PAYMENT - THANK YOU

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Melville, Mineola, White Plains

New Jersey Office:  
Englewood Cliffs

545



5

2016 May 26 PM 4:51

24-6

$$\frac{1}{2} \left( \frac{1}{2} \right) = \frac{1}{4} \quad \frac{1}{2} \left( \frac{1}{2} \right) = \frac{1}{4} \quad \frac{1}{2} \left( \frac{1}{2} \right) = \frac{1}{4}$$
$$\lim_{n \rightarrow \infty} \|x_n - x\|_X = 0 \quad \text{and} \quad \lim_{n \rightarrow \infty} \|y_n - y\|_Y = 0.$$
[illegible]

\_\_\_\_\_

WHEREBY CERTIFY: That the claim specified herein is for a bill(s) received, services rendered or amounts expended for the City of New York, that it is correct as to prices and amounts, and that it was necessary for the proper transaction of the business of said department and that it was incurred solely for the benefit of said City of New York.

NYC LASH STAFF

2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 26

[illegible][illegible]
$$L_{\text{min}}(A, B) = \min_{\substack{A \leq X \leq B \\ X \text{ is a } C\text{-lattice}}} \text{rank}(X)$$

100

Filed 10/16/17 Page 30 of 46

[illegible]

Received: 1-30-2004

[illegible]

١٠٠ : ١٠١

$$\frac{1}{2} \frac{d}{dt} \int_{\mathbb{R}^n} |u|^2 dx + \frac{1}{2} \frac{d}{dt} \int_{\mathbb{R}^n} |v|^2 dx = 0$$

100

171.2

0000613538 1

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 ROCKVILLE CENTRE, NEW YORK 11570  
 212-327-3500 516-465-2222  
 11-3293315

www.bee-reporting.com billing@beereporting.com

74116

KAVIN TRADANI, ESQ.  
 ZACHARY W. CARTER, ESQ.  
 NEW YORK CITY LAW DEPT.  
 100 CHURCH STREET  
 NEW YORK, NY 10007-2601

January 11, 2017

Invoice# 16-30598

Balance: \$75.00

Re: CREIGHTON VS CITY OF NEW YORK, ET AL  
 on 03/25/16 Billed 06/27/16  
 by NANCY LASKARIS

&lt;-- 198 Days Old!

## Charge Description

0001 114 PAGES

Amount  
75.00

FILE # 2012-006428

114 PAGES CERTIFY That this return specified here in is for actual and  
 not for services rendered or costs expended for the City of New York.  
 This is a copy of the original return and that it was necessary for  
 the preparation of the return and that it was necessary for  
 the preparation of the return and that it was necessary for

VOUCHERED

DATE: 1/18/17

AMOUNT PAID \$ 75.00

2017 0003561

16-16-30598

Total Due: \$75.00

SALES PERIOD 5/25/16 5/25/16 American Express

AC 007 007 DET. OBJ. 6220

REF. DOC. \_\_\_\_\_  
 Exp. Date: \_\_\_\_\_ Security Code: \_\_\_\_\_ Total Amt. \$ \_\_\_\_\_

Signature: \_\_\_\_\_

SAVE POSTAGE - OUR TAX NUMBER IS 516-594-2424

This invoice is 198 days past due, Please Remit - Thank You!  
 \*\*\*\*\*

2017 JAN 11 AM 11:00

NEW YORK  
FISCAL UNIT  
NOLAW DEPT.

2017 JAN 17 AM 11:42

NEW YORK  
FISCAL UNIT  
NOLAW DEPT.

75.00

## BEE REPORTING AGENCY, INC.

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 212-327-3500 516-485-2222  
 11-3293315

www.bee-reporting.com

billing@bee-reporting.com

KAVIN THADANI, ESQ.  
 ZACHARY W. CARTER, ESQ.,  
 NEW YORK CITY LAW DEPT.  
 100 CHURCH STREET  
 NEW YORK, NY 10007-2601

June 6, 2016

Invoice# 16-3060A

Balance: \$106.50

2016 JUN 15 AM 7:23

Re: CREIGHTON VS CITY OF NEW YORK, ET AL  
 on 05/26/16 Billed 06/06/16

## Charge Description

COPY: PAUL LADUCA 71 PAGES

INQUIRY CERTIFY

This is a bill for the City of New York

Amount  
106.50

FILE #: 2012-006428

Billed

Date

VOUCHERED

DATE: 6/16/16

INVOICE AMOUNT

106.50

20160006322

16-16-3060A

SVS. PERIOD

5/26/16 - 5/26/16

American Express

AG

005

Cardholder Name

OBJ

6220

Card #

REF DGC

Exp Date

Security Code

Total Amt. \$

Signature:

SAVE POSTAGE - OUR FAX NUMBER IS 516-594-2424

F4-16

2016 JUN 13 PM 4:52

Total Due: \$106.50

106.50



NEW YORK CITY LAW DEPARTMENT  
PIN # 02507X100A17  
100 CHURCH STREET, FISCAL SECTION-ROOM 5-121  
NEW YORK, NY 10007  
KAVIN THADANI, ESQ.

INVOICE NO.: 16042810901  
INVOICE DATE: 5/6/2016

REPORTER:  
RISA KARR

CREIGHTON, KENNETH VS CITY OF NEW YORK, DET. DEAN  
ROBERTS, DET. GLENN GODINO, ETAL  
INDEX NO: 12-CV-7454

TAX ID #: 11-266-5545

BILIER ID: RT

LAW MANAGER NO: 2012-006428  
CONTROL NO: 161420

DATE	DESCRIPTION	AMOUNT
4/23/2016	DEPOSITION OF THE PLAINTIFF, KENNETH CREIGHTON 115PP+14PGS W.I. ORIGINAL & 2 COPIES - YOUR CHARGE	83 60
	APPEARANCE (AM & PM) YOUR CHARGE	12 90
		464 40
		50 00

CONTROL #:161420

I HEREBY CERTIFY: That this claim specified herein is for the article(s) received, services rendered, or amounts expended for the City of New York that it is correct as to prices and amounts, and that it was necessary for the proper transaction of the business of the department and that it was incurred solely for the benefit of the City of New York.

K. R. R.  
NYC LAW STAFF

DATE: 5/10/11

SUB TOTAL	\$514.40
PAID	\$0.00
BALANCE DUE	\$514.40

\*\* PLEASE NOTE PAYMENT TERMS ARE NET 30 DAYS \*\*  
WE ACCEPT ALL MAJOR CREDIT CARDS  
WE ACCEPT WIRE TRANSFER - PLEASE CONTACT OUR OFFICE FOR DETAILS  
PLEASE NOTE INVOICE NUMBER ON YOUR PAYMENT - THANK YOU

COPY

\*\*\*PLEASE SEND PAYMENT TO: 16 COURT STREET, SUITE 907, BROOKLYN, NY 11241\*\*\*

### DIAMOND DEPOSITION CENTERS

**New York Offices:**  
Manhattan, Brooklyn, Bronx,  
Queens, Staten Island,  
Melville, Mineola, White Plains  
.....  
**New Jersey Office:**  
Englewood Cliffs

2016 MAY 12 PM 4:25

2016-09-06 14:24

8451-4



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NEW YORK CITY LAW DEPARTMENT  
PIN # 02507X100A17  
106 CHURCH STREET, FISCAL SECTION-ROOM 5-121  
NEW YORK, NY 10037  
KAVIN THADANI, ESQ.

INVOICE NO.: 16052706201 ✓  
INVOICE DATE: 6/9/2016

REPORTER:  
EVANGUELIA GALARZA

CREIGHTON, KENNETH VS CITY OF NEW YORK, DET. DEAN  
ROBERTS, DET. GLENN GODINO, ETAL  
INDEX NO: 12-CV-7454

TAX ID #: 11-266-5545

BILLER ID: SS

LAW MANAGER NO: 2012-006428  
CONTROL NO: 161791

DATE	DESCRIPTION	AMOUNT
5/27/2016	DEPOSITION OF THE PLAINTIFF, KENNETH CREIGHTON 175PP+18PGS OF W.I. ORIGINAL & 2 COPIES - YOUR CHARGE	694.80
5/27/2016	CONFIDENTIAL PORTION OF THE DEPOSITION OF THE PLAINTIFF, KENNETH CREIGHTON 13PP+2PGS OF W.I. ORIGINAL & 2 COPIES - YOUR CHARGE	54.00
	APPEARANCE (AM & PM) YOUR CHARGE	50.00

193.40 = 19.30  
3.6  
15.10 = 1.50  
3.6

EMAILED TRANSCRIPTS\*\*\*COURTESY\*\*\*

SUB TOTAL \$798.80  
PAID \$0.00  
BALANCE DUE \$798.80

VOUCHERED

DATE: 7/17/16

INV. AMT. PAID \$ 798.80

V# 16-6223

INV. # 16-16052706201

SVS. PERIOD 5/27/16 TO 5/27/16

AG 025 B/C 0207

REF. DOC. CT 11025

PLEASE NOTE: PAYMENT TERMS ARE NET 30 DAYS \*\*  
WE ACCEPT ALL MAJOR CREDIT CARDS  
WE ACCEPT E-DEPOSITS - PLEASE CONTACT OUR OFFICE FOR DETAILS  
PLEASE NOTE: INVOICE NUMBER ON YOUR PAYMENT - THANK YOU  
COPY  
PLEASE SEND PAYMENT TO: 16 COURT STREET, SUITE 907, BROOKLYN, NY 11241\*\*

DIAMOND DEPOSITION CENTERS

New York Offices:  
Manhattan, Brooklyn, Bronx,  
Queens, Staten Island, Dutchess,  
Melville, Mineola, Orange, Rockland,  
Sullivan, White Plains, Ulster  
New Jersey

2016 JUN 16 PM 12:18

\$725.00

\$725.00

## **EXHIBIT F**





February 23, 2011

Tom Dowling  
Deputy Agency Chief Contracting Officer  
New York City Law Department, Room 6-204  
100 Church Street  
New York, New York 10007


Dear Mr. Dowling:

You have inquired about the cost associated with the copies of a deposition when an original and two copies are delivered to the client, in this case, the New York City Law Department pursuant to its contract. The vast majority of the cost for the creation and delivery of 'an original and two copies' of a deposition transcript is incurred by virtue of the appearance of the stenographic reporter at the deposition, the reporter's capture of the deposition by means of stenographic note taking, and the transformation of the reporter's stenographic notes into the word processed document that becomes the 'original' of the deposition transcript.

This holds true regardless of the time frame within which the transcript is generated (ten day turn-around, three day turn-around or overnight turn-around) and regardless of the type of Appearance fee (regular A.M. or P. M. session or weekend, evening or holiday session).

Taking into account the cost of paper, the utilization of our copiers and associated labor costs for managing the reproduction, the cost for each page of photocopied transcript is approximately \$0.10. This holds true for the first copy as well as the second copy. In order to ascertain, for reimbursement or other purposes internal to the Department, the cost of an original and one copy of a transcript, the Department would subtract from the total invoice cost a dollar amount derived by multiplying the total number of pages by \$0.10 and subtracting that amount out of the original invoiced price.

Yours truly,

  
Jane Y. Sackheim  
Diamond Reporting, Inc.



December 23, 2016

Esther Tak  
Senior Counsel  
New York City Law Department  
100 Church Street  
New York, NY 10007

Dear Ms. Tak:

You have inquired about the cost associated with the copies of a deposition when an original and two copies are delivered to the client, in this case, the New York City Law Department pursuant to its contract. The vast majority of the cost for the creation and delivery of "an original and two copies" of a deposition transcript is incurred by virtue of the appearance of the stenographic reporter at the deposition, the reporter's capture of the deposition by means of stenographic note taking, and the transformation of the reporter's stenographic notes into the word processed document that becomes the 'original' of the deposition transcript.

This holds true regardless of the time frame within which the transcript is generated (ten day turn-around, three day turn-around or overnight turn-around) and regardless of the type of Appearance fee (regular A.M. or P.M. session or weekend, evening, or holiday session).

Taking into account the cost of paper, the utilization of our copiers and associated labor costs for managing the reproduction, the cost for each page of photocopied transcript is approximately \$0.12. This holds true for the first copy as well as the second copy. In order to ascertain, for reimbursement or other purposes internal to the Department, the cost of an original and one copy of a transcript, the Department would subtract from the total invoice cost a dollar amount derived by multiplying the total number of pages by \$0.12 and subtracting that amount out of the original invoiced price.

Yours truly,

  
Jane V. Sackheim  
Diamond Reporting, Inc.

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[www.diamondreporting.com](http://www.diamondreporting.com)

## **EXHIBIT G**



LAW DEPARTMENT  
100 Church Street  
New York, N.Y. 10007

NO. 00331

INVOICE FOR SERVICES RENDERED BY  
THE LAW DEPARTMENT'S COPY CENTER

TO: Mr. Kenneth Creighton  
ADDRESS: C/O Pazer & Epstein, P.C.  
20 Vesey Street, #700  
New York, New York 10007  
ATTENTION: Michael E. Jaffe, Esq.

NAME OF CASE: Kenneth Creighton v. The City of New York, et al.  
NYCLIS NUMBER: 2013-000179 12 Civ. 7454 [SDNY]  
TYPE OF DOCUMENT: Defendant's Summary Judgment Motion, Reply & Opposition Papers

As agreed, the Law Department has reproduced the following: 499 pages x 3 = 1,497 pages

— No. of originals submitted	
— No of copies made @ \$0.15 each 1,497 pgs x \$0.15 =	\$224.55 <i>74.85</i>
— Binding at \$0.01 per page/per copy: 1,497 pgx x \$0.01 =	\$14.97 <i>0</i>
— Total cost, copying and binding:	\$239.52

\* PLEASE MAKE YOUR CHECK PAYABLE TO:

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LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NEW YORK 10007  
ATTENTION: CASHIER'S OFFICE, ROOM 5-B-1

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Print: Kavin Thadani, Senior Counsel.

Date: 9/28/17

Division: SFLit

CLIENT COPY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x

KENNETH CREIGHTON,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE DEAN  
ROBERTS (Shield No. 05861), DETECTIVE  
GLENN GODINO (Shield No. 2756), POLICE  
OFFICERS JOHN DOES 1-10 (names being  
fictitious and presently unknown and intended to be  
employees of the NYPD who were involved in  
Plaintiff's arrest, detention, imprisonment, and/or  
prosecution), DISTRICT ATTORNEY ROBERT T.  
JOHNSON, ASSISTANT DISTRICT ATTORNEY  
BRUCE BIRNS A/K/A BURNS, ASSISTANT  
DISTRICT ATTORNEY ED TALTY a/k/a ED  
TULTY and ASSISTANT DISTRICT ATTORNEY  
MICHAEL COOPER,

Defendants.

----- x

**NOTICE OF APPLICATION  
FOR COSTS SOUGHT  
AGAINST PLAINTIFF**

12-cv-07454-PGG-DCF


**PLEASE TAKE NOTICE** that, upon defendants' Bill of Costs, the Declaration of Kavin Thadani dated September 29, 2017, and the exhibits annexed thereto, and all other pleadings and proceedings herein, defendants will move this Court before the Judgment Clerk at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, on October 16, 2017 at 11:30A.M. or, as soon thereafter, as counsel may be heard at a time and date to be determined as convenient by the Court, for an

order pursuant to Rule 54 of the Federal Rules of Civil Procedure, Local Civil Rule 54.1, and 28 U.S.C. §§ 1920 and 1923 granting fees and costs sought by the defendants and granting such other relief that this Court deems proper.

Date: New York, New York  
September 29, 2017

**ZACHARY W. CARTER**  
Corporation Counsel of the City of New York  
*Attorney for Defendants*  
100 Church Street  
New York, New York 10007  
Tel.: (212) 356-2351

By:

  
\_\_\_\_\_  
Gavin Thadani  
*Senior Counsel*  
*Special Federal Litigation Division*

To: VIA ECF  
Michael Eliot Jaffe  
Pazer & Epstein, P.C.  
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New York, NY 10007  
Email: [mjaffe@pazerandepstein.com](mailto:mjaffe@pazerandepstein.com)

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*Attorneys for Plaintiff*

12-cv-07454-PGG-DCF  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KENNETH CREIGHTON,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE DEAN ROBERTS (Shield No. 05861), DETECTIVE GLENN GODINO (Shield No. 2756), POLICE OFFICERS JOHN DOES 1-10 (names being fictitious and presently unknown and intended to be employees of the NYPD who were involved in Plaintiff's arrest, detention, imprisonment, and/or prosecution), DISTRICT ATTORNEY ROBERT T. JOHNSON, ASSISTANT DISTRICT ATTORNEY BRUCE BIRNS A/K/A BURNS, ASSISTANT DISTRICT ATTORNEY ED TALTY a/k/a ED TULTY and ASSISTANT DISTRICT ATTORNEY MICHAEL COOPER,

Defendants

**NOTICE OF APPLICATION FOR COSTS, BILL OF  
COSTS, AND DECLARATION IN SUPPORT OF  
DEFENDANTS' APPLICATION FOR COSTS  
AGAINST PLAINTIFF AND ANNEXED EXHIBITS**

**ZACHARY W. CARTER**

*Corporation Counsel of the City of New York  
Attorney for Defendants  
100 Church Street  
New York, N.Y. 10007*

*Of Counsel: Gavin Thadani  
Tel: (212) 356-2351  
NYCLIS No. 2013-000179*

*Due and timely service is hereby admitted.*

*New York, N.Y. .... 201...*

*Esq.*

*Attorney for.....*



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

KENNETH CREIGHTON,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE DEAN  
ROBERTS (Shield No. 05861), DETECTIVE  
GLENN GODINO (Shield No. 2756), POLICE  
OFFICERS JOHN DOES 1-10 (names being  
fictitious and presently unknown and intended to be  
employees of the NYPD who were involved in  
Plaintiff's arrest, detention, imprisonment, and/or  
prosecution), DISTRICT ATTORNEY ROBERT T.  
JOHNSON, ASSISTANT DISTRICT ATTORNEY  
BRUCE BIRNS AKA BURNS, ASSISTANT  
DISTRICT ATTORNEY ED TALTY a/k/a ED  
TULTY and ASSISTANT DISTRICT ATTORNEY  
MICHAEL COOPER.

Defendants.

PLAINTIFF'S OBJECTIONS TO  
DEFENDANTS' APPLICATION  
FOR COSTS

12 CIV 7454 (PGG) (DCF)

-----X

STATE OF NEW YORK        )  
                                  :SS:  
NEW YORK COUNTY        )

MATTHEW FLAMM, declares the following under penalty of perjury pursuant to 28  
U.S.C. §1746:

1. I am associated with Rubert & Gross, P.C., co-counsel with Pazer, Epstein &  
Jaffe, attorneys for plaintiff, and submit these objections to defendants' September 29, 2017  
application for \$4,277 in "fees and costs" purportedly made under Fed.R.Civ.P. R. 54, Local  
Civil Rule 54.1 and 28 U.S.C. §§1920 and 1923.

2. As set forth more fully below, plaintiff contends that many of the requested costs  
and disbursements should be reduced or disallowed as not constituting a taxable cost under the

Federal Rules, Statute, Local Rule or judicial Order or decisions.

3. Defendants seek as costs three categories of expenses: (1) transcripts totaling \$709.13 (§§14-20; Exh. D); (2) deposition transcripts offered as exhibits to their summary judgment papers (§§21-31 and Exh. E); and (3) photocopies of their summary judgment motion papers (§§32-33 and Exh. G).

4. Costs for transcripts other than depositions are permissible if they are “authorized in advance or ordered by the Court.” Local Rule 54.1(c)(1). Defendants’ declaration offers no proof, conclusory or otherwise, that any of the transcripts for which costs are sought were authorized in advance or ordered by the Court. The **\$709.13** sought should be disallowed.

5. Defendants next seeks \$3,308.70 for depositions attached as exhibits in defendants’ various motion papers. Local Civil Rule 54.1(c)(2) advises that deposition costs are permissible only if “used by court” in its summary judgment ruling. Defendants overlook this requirement, apparently contending that attaching a transcript as an exhibit qualifies the transcript as a taxable cost.

6. Review of the Court’s decision for reference to the transcripts for which defendants seek costs indicates that one of the transcripts (Exhibit E Docket 252-6 at p. 2: Kijafa Spruell) costing \$262.50 (155 pages at \$1.50/page [\$232.50] and \$30 appearance fee) was not cited to or otherwise used by the Court in reaching its summary decision. Therefore, the **\$262.50** sought as costs for the Spruell transcript should be disallowed.

7. Review of the Court’s decision also indicates that the Court cited the Informant’s transcript but did not cite to or use the video recording of the testimony. The **\$471** sought for the video recorded deposition (Exh. E Docket 252-6 at p. 4) should be disallowed.

8. As to the transcripts prepared by Diamond Reporting for which taxable costs are sought, the Local Rules allow costs for an original and one copy, and defense seeks payment for two copies. The cost for these transcripts should be reduced, as noted by defense at ¶31. See Defense Exhibit F: December 23, 2015 Diamond Reporting letter (subtract from the total invoice cost the number of pages multiplied by \$0.12). Therefore, the costs sought for the following transcripts should be reduced as follows:

Raskin (Exh. E Docket 252-6 at p. 3) 170 pages x .12 = **\$20.40**

Creighton (Exh. E Docket 252-6 at pp. 8-9) 337 pages x .12 = **\$40.44**

9. Finally, defendants impermissibly seek about \$240 for photocopies of their summary judgment motion papers. Local Rule 54.1(c)(5) say the “costs of copies used for the convenience of counsel or the Court are not taxable.” This expense of **\$240** should be denied.

10. Plaintiff has no objection to the award of twenty dollars (\$20) pursuant to 28 U.S.C. §1923.

11. Plaintiff, without prejudice to any application to the District Judge, requests that the Clerk disallow one thousand seven hundred and forty-three dollars and fifty-one cents (\$1,743.51) in proposed taxable costs.

Dated: October 13, 2017  
New York, New York

  
Matthew Flamm

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
KENNETH CREIGHTON,

Plaintiff,

12 CIV 7454 (PGG) (DCF)

-against-

THE CITY OF NEW YORK, DETECTIVE DEAN  
ROBERTS (Shield No. 05861), DETECTIVE GLENN  
GODINO (Shield No. 2756), POLICE OFFICERS JOHN  
DOES 1-10 (names being fictitious and presently unknown  
and intended to be employees of the NYPD who were  
involved in Plaintiff's arrest, detention, imprisonment, and/or  
prosecution), DISTRICT ATTORNEY ROBERT T.  
JOHNSON, ASSISTANT DISTRICT ATTORNEY BRUCE  
BIRNS AKA BURNS, ASSISTANT DISTRICT  
ATTORNEY ED TALTY a/k/a ED TULTY and  
ASSISTANT DISTRICT ATTORNEY MICHAEL  
COOPER,

Defendants.  
-----X

**PLAINTIFF'S OBJECTIONS TO DEFENDANTS'  
APPLICATION FOR COSTS**

---

Rubert & Gross, PC  
Attorney for Plaintiff  
150 Broadway, Suite 712  
New York, New York 10038  
(212) 608-3103